Exhibit B
to
Declaration in Support
of
Defendants'
Motion for Summary Judgment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ORIGINAL

JEFFREY JACKSON,
Plaintiff,

-against-

HENRY ZWACK, individually and as Rensselaer County Executive, KATHY JIMINO, Individually and as Rensselaer County Executive, and RENSSELAER COUNTY,

Defendants.

STENOGRAPHIC MINUTES OF EXAMINATION BEFORE TRIAL conducted of Defendant KATHY JIMINO, on the 1st day of June, 2004, at the offices of Joanne M. White, 582 New Loudon Road, Latham, New York, commencing at 2:00 p.m.; before ELLEN J. FRANKOVITCH, a Shorthand Reporter and Notary Public within the State of New York.

APPEARANCES:

PETER HENNER, ESQ.
P.O. Box 326
Clarksville, New York 12041-0326
On behalf of Plaintiff.

PETRONE & PETRONE, P.C.
358 Broadway, Suite 206
Saratoga Springs, New York 12866
On behalf of Defendants;
BY: KYRAN D. NIGRO, ESQ.

ALSO PRESENT: JEFFREY JACKSON

STIPULATIONS

It is hereby stipulated and agreed by and between the attorneys for the respective parties hereto that the signing and filing of the Notary's Oath be waived; that the examination be conducted before Ellen J. Frankovitch, a Shorthand Reporter and Notary Public in and for the State of New York; that the filing of the transcript of testimony in the Office of the Clerk of the Court be waived; that the examining party will furnish the examined party one copy of the transcript of testimony as taken without cost or charge; that all objections to questions, except as to the form thereof, are specifically reserved to the time of trial; and that the transcript of testimony may be signed before any Notary Public or other officer authorized to administer oaths.

KATHLEEN JIMINO,

(first duly sworn by the Notary Public, was examined and testified as follows:)

BY MR. HENNER:

Q. State your name for the record.

A. Kathleen Jimino.

Q. You're the Rensselaer County Executive?

A. Yes.

Q. How long have you been the Rensselaer County Executive?

A. A little over three years.

Q. Can you give us a brief summary of your jobs -- that's a full-time position?

A. Yes.

Q. -- what jobs you held prior to becoming the county executive?

A. Yes. I was the assistant director of the Office of Budget Studies for the Senate Finance Committee. I was the principal analyst for the Office of Fiscal Studies for the Senate Finance Committee. I was city manager of the City of Troy. I was budget director of the City of Troy. And I was the Commissioner of Data Processing for Rensselaer County. Prior to that, I was in a number of programmer or analyst positions,

basically from trainee through associate.
Q. What is your educational background?
A. I have a bachelor's degree from Siena College.
Q. In what?
A. Mathematics.
Q. Any graduate education?
A. Yes. I'm in the process of completing my master's degree in social policy from Empire State College.
Q. Have you held elected political office prior to becoming county executive?
A. Yes.
Q. Can you summarize that experience for us?
A. Yes. I was county legislator from 1997 to 2001.
Q. Now, as a county legislator, were you involved in any discussions of Local Law 6 of 1995? I know it was past before you became a legislator, but since you became a legislator?
A. No.
Q. Do you recall in your responses to interrogatories, that you describe the -- let me refer you to -- take a moment to review your response to Interrogatory Number 6. It's on the fourth page of your interrogatory responses. And there's a response to a question, "Had you communicated with anyone other than Mr. Zwack the

issues pertaining to the functioning of the Bureau of Tax Services?" And your response, "The issue was discussed in the majority caucus of the county legislature." What was it that was discussed in the majority caucus of the county legislature?
A. As you can see from the response, there was an article in the newspaper. And our discussion at majority caucus was that it was too bad that the issue had become the subject of press reports. And that was the issue of -- the problem with flawed tax bills in 2000, I believe it was, or 2001.
Q. Do you recall whether the issue of the -- when I say Local Law 6, I'm referring to the question of the tax mapping -- placement of the tax mapping function in the Bureau of Research & Information Services rather than the Bureau of Tax Services. I know Local Law 6 did a lot of things besides that.
But my question is: Do you recall any discussion within the county legislature of the placement of the tax mapping function with the Bureau of Research Information Services rather than the Bureau of Tax Services?
A. No, I do not.
Q. Do you recall if that was an issue that was discussed

in the media in late 1999 and early 2000?

A. I recall there was an issue of a problem with the tax bills. I don't recall whether that specifically mentioned the change from the Bureau of Tax Services to the Bureau of Research & Information Services.

Q. Do you recall any discussion in the legislature about problems or complaints of the assessors in Rensselaer County in 1999?

A. Yes, I do recall that.

Q. What do you recall about those complaints?

A. I recall that there were complaints made. That issue was brought up in caucus. But I don't recall more than that.

Q. Do you recall any discussion in early 2000 about possibly repealing Local Law 6?

A. No, I do not.

Q. Were you on any committees in the county legislature in '99-2000?

A. Yes.

Q. What committees were you on?

A. Aging and Contracts and Agreements.

Q. Now, with respect to tax bill problems which you say were discussed in the majority caucus, what was the substance of the discussion?

A. The problem had been reported in the newspaper, and the discussion in caucus was that it was a shame that there was this report in the newspaper as opposed to having been settled inhouse.

Q. Was there any discussion as to how it could have been settled inhouse?

A. No.

Q. Was there any consideration or any discussion as to what could be done about the problem now?

A. No.

Q. What was the problem?

A. There were flawed tax bills produced.

Q. Was there any discussion of the fact that the county executive was blaming Jeff Jackson for the flawed tax bills?

A. I don't recall that being a part of the discussion.

Q. Was there any discussion as to who was at fault for the flawed tax bills?

A. No.

Q. When you were in the county legislature, were you aware -- had you met Mr. Jackson?

A. Yes.

Q. In what context?

A. When I worked for the County Bureau of Data

Processing, I met Jeff, who was working for Tax Services. The Bureau of Data Processing provided services to the Bureau of Tax Services.
Q. How often did you interact with him on a professional basis?
A. Probably three or four times a year.
Q. Do you have any awareness of his reputation as an employee?
A. My interactions with him were fine, were very professional. I don't know beyond that.
Q. Did you participate in any discussions about Jeff Jackson between 2000 and 2001? Did his name ever come up in any discussions? Break it down. First, within the legislature?
A. As mentioned earlier, when the issue of the flawed tax bill was in the newspaper. Beyond that, no.
Q. Do you recall any discussions between 2000 and 2001 regarding the tax mapping issues?
A. No, I do not.
Q. Let me just take a second, let me show you what has previously been marked as Plaintiff's Exhibit 14. This is a letter to Mr. Gruenberg from Mr. Griffin. Mr. Gruenberg is the counsel to the Rensselaer County majority. Were you aware of that letter as of 2000?

A. No.
Q. Were you aware that Mr. Gruenberg had written to Mr. Griffin?
A. No.
Q. Do you know anything about any interest of the Rensselaer County Legislature in February of 2000 in the issue of the placement of the tax mapping function in the Bureau of Tax Services?
A. No.
Q. You became county executive in May of 2001?
A. Yes.
Q. Did you have any discussions with Henry Zwack before you became county executive in regards to the transition between his administration and yours?
A. No.
Q. Do you have any discussions with anybody regarding what you were going to be taking on as the new county executive?
A. Yes. I spoke with an attorney, I spoke with some people in the county legislature, specifically Neil Kelleher. And I believe I spoke with Rich Crist, who was the legislative employee.
Q. Who was the attorney?
A. Peter Kehoe.

Q. What was the substance of these discussions? If you were seeking legal advice, obviously, I'm not asking that. But I'm assuming, except for anything you were seeking legal advice, what was the substance of those discussions?

A. The subject was primarily how the -- how it was that I would be considered for the position, and what steps would be taken should I be selected to go into that position.

Q. Was this before you were selected as the county executive?

A. Yes.

Q. What role did each of these individuals have in selecting you as county executive?

A. The county legislature -- I'm sorry.

MR. NIGRO: I am going to object to the form of the question. You can answer.

A. The county legislature was appointing a county executive as Henry Zwack had resigned, so his position became vacant and they were looking to appoint a county executive. That person would serve until the following January when the results of the November election would take place.

Q. Okay. When you spoke to Mr. Kehoe, what was the substance -- what did he say to you and what did you say to him?

MR. NIGRO: I am going to object. I guess we're getting into areas that have absolutely nothing to do with this case. If you want to confine your questions to anything having to do with the issues of the lawsuit I have no problem with that.

MR. HENNER: Well, one of the issues of the lawsuit is, obviously, what continuity may have existed between the Zwack administration and her administration. And certainly as to what she may have been told and what she may have been asked by people who were selecting her to be the county executive is, I think, plainly relevant to that issue. And that's where the questions are going.

MR. NIGRO: Again, I think we have to confine them to the plaintiff's claims.

MR. HENNER: Well, first of all, this is -- I mean, the question in discovery is, is this likely to lead to admissible evidence, and I think -- not whether or not the answers to the questions themselves are necessarily relevant. And I think the question clearly leads to the issue of relevancy. I would agree that there may be issues beyond which I wouldn't go in asking the question, but at least to ask the initial question I think it appropriate.

MR. NIGRO: I'll give you some leeway, but it seems to me that the quicker way would be to ask specific questions as to the plaintiff and then back out from there. I'll let you go for a little while and we'll see where it goes.

MR. HENNER: Well, okay.

BY MR. HENNER:

Q. What was the substance of what Mr. Kehoe said to you and what you said to him in your conversation?

A. Mr. Kehoe, I was asking for advice of a legal nature in terms of how it is that a transition process would occur so that I had a sense that the transition process would follow the law and would not be something that could be contested by the Democratic members of the county legislature.

Q. So you were basically asking procedural questions regarding the transition?

A. Yes.

Q. Did he give you any substantive advice as to what you should do as the county executive?

A. No.

Q. How about Mr. Kelleher, what did you say to him and what did he say to you?

A. I expressed to Mr. Kelleher my interest in the county executive's position, asked if I could interview to be considered for that position. He indicated that, yes, I could be. I did have that interview on the evening of the county legislature's meeting, I think it was May 18th.

Q. Okay. Did Mr. Kelleher say anything to you about what the expectations of what the legislature would be expecting from the county executive?

A. No.

Q. Did he say anything to you about what should or could happen with respect to retention or termination of any personnel employed by Rensselaer County?

A. No.

Q. Did he say anything to you about any issues facing Rensselaer County, either the executive or the legislature?

A. No.

Q. You also spoke to Mr. Crist?

A. Um-hmm.

Q. What was the substance of your conversation with

Mr. Crist?

A. Mr. Crist was the person who handles communications for the legislature majority. So my conversations with Mr. Crist had to do with answering questions of the press in regard to my seeking the position of county executive.

Q. So why was Mr. Crist asking you -- why were you talking to Mr. Crist about what questions you might be asked as candidate for the position?

MR. NIGRO: Objection to the form of the question.

MR. HENNER: I'll withdraw the question.

Q. I'm confused. Were you asking Mr. Crist how you should respond to questions from the press as a candidate for the position of county executive?

A. Yes.

Q. Was Mr. Crist advising you as a member of the legislature or as a candidate for the position of county executive?

MR. NIGRO: I object to the form. You can answer if you know where he's going.

A. I would guess both. I was a member of the county legislature at the time and seeking the position of county executive.

Q. What advice did he give you?
A. I don't recall.
Q. Did you speak to anybody else with respect to what the -- with respect to expectations they might have for you as county executive?
MR. NIGRO: I object to the form. Go ahead.
A. I can't recall speaking with anyone about that, no.
Q. Did you speak to any officials of the Rensselaer County Republican Party with respect to your candidacy?
A. Yes.
Q. Who would these people be?
A. I spoke with Jim Walsh, who was the chairman of the Republican Party in the county. I spoke with Senator Bruno. And I spoke with Steve Boggess.
Q. What was the substance of your conversation with Mr. Walsh?
A. That I was interested in the position, that I would like to be considered for that position.
Q. What did he say to you?
A. He said that he thought that I would be a good candidate for that position and he would certainly like to see me be interviewed. We spoke some then about what would be involved in campaigning for the

position. And that's about it.

Q. Now, you say interviews. Who did the interviews?

A. It was a committee of the county legislature. And I believe it was either the Budget and Finance Committee or the Rules Committee that did the interview.

Q. Who was on that committee?

A. Ralph Vartigan, Robert Mirch, Keith Hammond. I believe Lou Polsinello. And Neil Kelleher.

Q. What was discussed at the interview?

A. What my qualifications were for the position, my past experience, and how that would lend itself to my new position. And on the part of the minority, concerns with previous experience, specifically the City of Troy.

Q. Was the interview conducted with the entire committee?

A. Yes. And then some.

Q. Who was the "and then some"?

A. The TV cameras from Channel 10, Channel 6, Channel 13, other legislators, legislative staff.

Q. You also spoke to Joe Bruno?

A. Yes.

Q. Or Senator Bruno?

A. Yes.

Q. What was the substance of your conversation with

Senator Bruno?
A. Basically, I said that I was interested in the position. That I would like to be considered for the position, that I was going to express that to the chairman of the legislature, and that I would like the senator's support, and that I was prepared to take on the campaign in the fall to retain the position the following January.
Q. Did the Senator offer his support?
A. Yes.
Q. Did the Senator say anything to you about his expectations for you as either the candidate or as the county executive?
A. I think he said that he expected me to work hard as a candidate, certainly.
Q. Was there any conversation with the Senator regarding the political problems caused by Mr. Zwack's resignation?
A. I don't recall that being discussed, no.
Q. Did the Senator say anything about Mr. Zwack and his situation?
A. Not that I recall.
Q. You mentioned a third individual, Mr. Walsh, Senator Bruno, and I forget the third name?

A. Stephen Boggess. And he is secretary of the Senate. He is Senator Bruno's former chief of staff.

Q. What was the substance of your conversation with Mr. Boggess?

A. In essence, it was the same as my conversations with the Senator and with Jim Walsh. Again, my expressing my desire to be considered for the position and interviewed for the position. My looking for the Senator's support, not only in the interview but as well for election in November.

Q. Now, when you became county executive in May, did anyone give you any advice as to what to do to take -- as to any outstanding issues facing the county executive's office?

MR. NIGRO: I object to the form of that question. You can answer it.

A. I talked with a number of people at that time about my plan for talking with the department heads to identify short-term issues and long-term issues that needed to be addressed.

Q. Did you speak to the department heads?

A. Yes, I did.

Q. You say you talked to a number of people regarding your plan. Can you tell us who those people were?

A. Bob Smith, Peter Kehoe, John Beaudoin, who is now county deputy executive. I think that was it.
Q. You say you talked to them about your plan to talk to the various county department heads. Did you say what you were going to talk to the department heads about?
A. Yes.
Q. What was that?
A. What are the short-term issues facing the County and what are the long-term issues facing the County.
Q. Okay. And you did, in fact, talk to the department heads?
A. Yes.
Q. And specifically, did you talk to Jeff Jackson?
A. Yes.
Q. When did you talk to Jeff Jackson?
A. I don't recall the specific date, but it would have been within the first two months that I was in the office.
Q. Did you also talk to the head of the Bureau of Research & Information Services?
A. Yes.
Q. Do you recall who that was at that time?
A. Yes. Vince Ruggiero.
Q. When you spoke to Mr. Ruggiero, did you discuss at all

any issues relating to tax mapping?
A. I don't recall.
Q. Did you discuss any issues with him with respect to tax billing?
A. I don't recall.
Q. What did you talk to Mr. Ruggiero about?
A. What were the short-term needs of his department or issues facing his department, and what were the long-term issues facing his department.
Q. What were those issues?
A. I don't recall the specifics.
Q. What other department heads did you speak to?
A. I spoke with all the department heads.
Q. How many department heads are there in Rensselaer County?
MR. NIGRO: I assume you mean at the time?
MR. HENNER: Yes.
Q. Or how many were there as of May of 2001?
A. I would guess about 30.
Q. I'm not going to go through them all.
(There was a discussion off the record.)
Q. You also met with Jeff Jackson at that time?
A. Yes.
Q. Before you met with Jeff Jackson, had you spoken about

Jeff Jackson with any other department head?
A. Not that I recall.
Q. Had his name surfaced in discussion -- in any of the discussions that you had prior to becoming county executive?
A. No.
Q. Had the issue of tax mapping or Local Law 6 been raised in any of the discussions that you had -- that you described or any discussions you had about the time you became county executive?
A. No.
Q. And your purpose in the meeting was to identify short-term issues facing the department?
A. Yes.
Q. And long-term goals as well?
A. Yes.
Q. Were you aware of any problems with his department at that time, as of May of 2001?
A. Jeff's department?
Q. Before you met with him, were you aware of any problems or issues facing the department?
A. No, I was not.
Q. So, the purpose of the meeting was to ask him for information more than to give him information?

A. That's correct.

Q. And what information did he give you? What did he tell you about his department at that meeting?

A. Jeffrey raised the concern about the tax map function having been moved out from under the Bureau of Tax Services into the Bureau of Research & Information Services.

Q. Was that the first time you had heard that issue?

A. From Jeff, yes. Prior to that, the only discussion -- or the only information that I had was what was in the paper.

Q. Which went back a year previously?

A. Actually, several years before, if that was the 1996 local law change.

Q. Well, the local law was passed in late '95; it was Local Law 6 of 1995. And what were you doing professionally in 1995 and 1996? That was before you were in the legislature?

A. In 1995, I worked for the City of Troy. In 1996, I worked for the Senate Finance Committee.

Q. When you worked for the City of Troy in 1995, did you have any involvement with any real property tax issues?

A. Yes.

Q. You were the city manager at that point?
A. Part of 1995, I was the city manager.
Q. And in early 1995, you were the city manager -- or give me a chronology, if you would. Make life easier.
A. From January of '95 through September -- actually, through December of '95, I was the budget director of the City of Troy. From mid September through the end of December, I was also city manager of the City of Troy.
Q. Okay. And what did you do after December of '95?
A. In January of '96, I began working for the Senate Finance Committee.
Q. Okay. When you were working for the City of Troy, what involvement, if any, did you have with real property tax assessment issues?
A. As budget director, I would be given information about the real property tax rate and the assessed value, and then would provide information to the treasurer's office -- to the comptroller's office, excuse me, on how much would be required for the tax levy for the proposed budget. As city manager, the comptroller's office where taxes were collected and where the assessment roll was maintained, would have been under my supervision.

Q. When Local Law 6 moved the -- do you recall any discussion in the City of Troy about Local Law 6 when it was enacted in late 1995?

A. No.

Q. Moving on to 1996, do you recall any media discussion of the issues involved in Local Law 6?

A. I recall that it was in the media but I don't recall too much of the specifics.

Q. Do you recall hearing any stories of complaints from assessors in 1996?

A. No, I don't.

Q. Did there come a time when you became aware that assessors in Rensselaer County were complaining about the slowness in getting tax maps?

A. I recall there were assessor complaints. I don't recall the specifics of it. And I believe it was when I was in the county legislature, so that would have been 1997 or after.

Q. Was there any discussion of those complaints in the county legislature?

A. I don't recall there being any.

Q. Or within the majority caucus of the legislature?

A. I don't recall there being any.

Q. Coming back to your meeting with Jeff Jackson in 2001, can you describe what knowledge you had about the tax mapping issue at the time that you met with him?

A. Well, Jeff presented it as still a concern on his part that the tax mappers were now employees in the department -- or Bureau of Research & Information Services as opposed to within his department. Jeff presented me with information that had been provided to Tom Griffin, the Director of the State Office of Real Property Services, and I believe information that Tom Griffin had sent back to the County. And that information was what Jeff shared with me to express the fact that this was still a concern to him.

Q. Did you review the information that he sent you?

A. Yes, I did.

Q. Did you discuss it with anyone else?

A. Yes. I spoke with Bob Smith about it.

Q. Do you recall approximately when you spoke to Bob Smith?

A. It was shortly after Jeff and I met, but I don't know the specific time.

Q. Did you discuss the issue with anyone from the Office of Real Property Tax Services or the state?

A. No.

Q. What was the substance of your conversation with Bob

Smith?

A. I asked Bob Smith if he felt that the current operation of the tax map unit complied with state law.

Q. And what did he tell you?

A. He said he did.

Q. Did he share with you any written documentation?

A. Not that I recall.

Q. How long was your meeting with Bob Smith on -- how long was this meeting?

A. I don't remember.

Q. How long was your meeting with Mr. Jackson?

A. I don't remember.

Q. Did you have a second meeting with Mr. Jackson?

A. I'm sure I had another meeting after the initial meeting, yes.

Q. According to the complaint, you had a second meeting with him. The first meeting was on May 23rd and the second meeting was on July 17th. I'm not going to ask you to remember the dates, but does that sound like the approximate interval of time that the two meetings would have occurred?

MR. NIGRO: I am going to object to the form of the question. Go ahead.

A. Again, I don't recall specifically. The first meeting date does sound about right. I know I meet with people frequently, so I don't know if that was the second meeting.

Q. Do you recall approximately how long it was between the first meeting with Mr. Jackson and the second meeting with Mr. Jackson?

A. No, I don't.

Q. Do you recall if it was more than a week?

A. I don't recall.

Q. What was discussed at the second meeting?

A. I don't recall.

Q. Do you recall if you asked Mr. Jackson for any additional documentation?

A. I asked for that, I believe, at the first meeting -- I'm not certain whether the information was all provided at the first meeting or not. So I believe I asked for additional information from the first meeting.

Q. Now, between the first and the second meeting, had you met with anybody else to discuss the issues raised by Mr. Jackson, besides Mr. Smith?

A. No.

Q. Had you done anything else, besides meeting with Mr. Smith, to investigate the concerns raised by

Mr. Jackson?
A. I reviewed the information that Mr. Jackson presented.
Q. Did you seek any additional information on your own research?
A. No.
Q. And you met with Mr. Smith?
A. Yes.
Q. Did you do anything else?
A. No.
Q. Do you recall if Mr. Jackson sent you any additional information after the second meeting?
A. I don't recall.
Q. After the second meeting, do you recall any further discussions of the issue with Mr. Jackson?
A. About what issue?
Q. About the issue of the placement of the tax mapping services in the Bureau of Research & Information Services.
A. No.
Q. No, there was not?
A. No, there was not. Not that I can recall.
Q. Did there come a time when Mr. Jackson advised that he was up for reappointment?
A. Yes.

Q. And do you recall if he did that by memorandum?
A. I don't recall.
(Plaintiff Exhibit 18 was marked for identification.)
Q. Showing you what has been marked as Plaintiff's Exhibit 18, which is Exhibit EE of the complaint, I ask you if you recall receiving that document.
A. I don't recall.
Q. But you do recall Mr. Jackson expressing an interest in being reappointed?
A. Yes.
Q. Did you communicate any response to his request?
A. That I would consider it.
Q. As of the summer of 2001, what was your attitude towards Mr. Jackson's possible reappointment?
MR. NIGRO: Objection to the form of the question. Go ahead.
A. I was certainly willing to consider it.
Q. Did you have any reservations at that time about his reappointment?
A. I don't know that I necessarily had reservations at that point in time.
Q. This is somebody who's been an employee of the County for 20-some-odd years and who has generally been a

well-regarded employee; right?

MR. NIGRO: I object to the form.

A. I don't know how long Mr. Jackson had been an employee of the County.

Q. Would it be fair to state that in the normal course of events, somebody who had been employed for as long as Mr. Jackson for the County would have been continued in County employment?

MR. NIGRO: Object to the form of the question. If you know.

A. I don't think people are continued with the County based on longevity alone.

Q. What did you say or what did you communicate to Mr. Jackson, if anything, regarding his request to be reappointed?

A. That I would consider it.

Q. Now, Mr. Jackson's term of employment expired in October. Did you reappoint him in October?

A. No, I did not.

Q. Why not?

A. At that point in time, my attention was limited and my ability to adequately decide that question, I thought, was limited as well.

Q. Why was that?

A. Because I was campaigning for office and trying to basically get through that, as well as get through the day-to-day operations of the County still at that time.

Q. What, if anything, did you communicate to Mr. Jackson?

A. That was something I was not going to decide at that point in time.

Q. Now, according to the complaint, paragraph 110 of the complaint states that, "Ms. Jimino did state that she believed that Mr. Jackson was well qualified for the position and was well regarded by the town, village and city officials who were serviced by the County Bureau of Tax Services. She also stated that she wanted Mr. Jackson to continue through January 2002 to ensure that the tax apportionment was completed." Do you recall saying anything like that?

A. I don't.

Q. Do you specifically recall not saying anything like that?

A. I don't believe that I would have said anything about apportionment, but I don't recall whether or not I said the others.

Q. Did you believe that Mr. Jackson was well qualified for the position as of that time, late October of

2001?

A. Qualified in terms of experience and education, yes.

Q. Did you believe he was well regarded by the town, village and city officials who were served by the County?

A. Not at that time, no.

Q. Not as of the fall of 2001?

A. No.

Q. Why didn't you believe that.

A. Because I was hearing concerns that Mr. Jackson was not as responsive to the town assessors as he had once been or that they hoped he would be.

Q. Who were you hearing that from?

A. I was hearing that some from staff within the department. And I was also hearing that from one of the assessors directly.

Q. Who was that assessor?

A. I believe it was from Grafton, I believe Charles Hamill from Grafton.

Q. And who on the staff was saying that?

A. Two of the staff within the department, Louann Abbott and Pat Cunningham.

Q. What specifically were they saying?

A. They were saying that Mr. Jackson was oftentimes

unavailable or unresponsive to the assessors.
Q. How often did you speak to Ms. Cunningham and Ms. Abbott?
A. I don't recall.
Q. Was it more than one occasion that you communicated with them?
A. Yes.
Q. More than one occasion each?
A. Yes.
Q. How about Mr. Hamill, had you spoken to him on more than one occasion?
A. No, I don't believe so.
Q. Would you describe the circumstances under which you spoke to, first, Ms. Abbott and Ms. Cunningham.
A. What do you mean by circumstances?
Q. Well, how often, as the county executive, would you normally speak to a staff member of the Bureau of Tax Services in the course of a given month?
MR. NIGRO: I object to the form. Go ahead.
A. I speak to people casually all the time as I'm coming or going or they're coming or going from the building at the same time. As to specifically how often would I go solicit information from them, not very often.
Q. Did you solicit information from Ms. Abbott or

Ms. Cunningham regarding Mr. Jackson?
A. No.
Q. Did they volunteer information to you?
A. Yes.
Q. Did they come to your office to volunteer this information?
A. I don't recall.
Q. Do you recall the circumstances under which either of them came to speak to you about Mr. Jackson?
A. No, I do not.
Q. Did they make any appointments to speak to you, do you recall?
A. I don't recall.
Q. Do you recall whether conversations with them occurred during casual interactions with them?
A. I don't recall.
Q. Did it seem odd to you that a member of the staff would come to you and give you bad information about their supervisor?
MR. NIGRO: Objection to the form of the question.
A. No.
Q. It didn't seem odd?
A. No.

Q. How many times in your career as a chief executive of various kinds have people come to you and said, my boss isn't doing a very good job?

MR. NIGRO: Objection to the form of the question. I am going to assume that you don't mean using those exact words.

Q. Yes, said something to the effect of expressing reservations about their supervisor.

A. I would say under ten in my entire career.

Q. Did you have a particular personal relationship with Ms. Abbott or Ms. Cunningham that they would come to you with information like that?

A. I've known Ms. Cunningham for probably 20 years. Ms. Abbott, I've known less time than that, probably a couple year -- well, three years.

Q. Did you know them outside of work?

A. Ms. Cunningham I do, yes.

Q. In what capacity?

A. She is a member of the Republican Party, so I'll see her at Republican functions in the city or county.

Q. Any other social interactions?

A. No.

(A break was taken in the proceedings.)

BY MR. HENNER:

Q. Did Ms. Cunningham ever come to you about a raise in 2001?
A. Yes, she did. A raise for herself.
Q. Now, did she come directly to you or did she go through her supervisor, Mr. Jackson?
A. I believe she talked to her supervisor and also to me.
Q. Had she spoken to the supervisor before she had spoken to you?
A. Yes.
Q. What did she tell you her supervisor had said?
A. I don't recall.
Q. And what did you say to her about her request for a raise?
A. I don't recall the specifics of the issue but said that I would look at it.
Q. Did you talk to Mr. Jackson about this issue?
A. Yes, I did.
Q. What did you say to Mr. Jackson?
A. That Ms. Cunningham had approached me with this concern.
Q. What did he say to you?
A. I don't recall.
Q. Is it normal for you to get a request for a raise directly from an employee rather than from the

employee's supervisor?

MR. NIGRO: Objection to the form of the question. You can answer.

A. I have received a request like that from some others, but most of the time the request comes through the supervisor.

Q. Did the request come directly from the individual when the individual is involved directly in the Republican Party?

A. I don't think that's been a factor in the other requests that I can recall.

Q. The other requests that you can recall are referring to other requests that have come directly to you rather than go through the supervisor?

A. Yes, that's correct.

Q. How often do you get such requests?

A. Not very often.

Q. How many times have you gotten them since you've been the county executive?

A. I would say less than five, but I can't recall specifically.

Q. Do you recall any others specifically, besides Ms. Cunningham?

A. Not off the top of my head, no.

Q. Now, did there come a time in 2003 when there was a proposal to cut Ms. Cunningham's job, to eliminate it?
A. Yes, I believe that there was a proposal to eliminate it. She was going to be retiring.
Q. She wasn't quite eligible for retirement in 2003, was she?
A. I don't know.
Q. Was the position to be eliminated because of a cost-cutting plan in Rensselaer County?
A. Yes.
Q. In fact, you had asked that they cut the budget by 10 percent to save money?
A. Yes.
Q. And when it was proposed that her position be cut, did you take any action with respect to her position?
A. I don't recall.
Q. Do you recall if Ms. Cunningham is still working for Rensselaer County?
A. Yes, she works part-time.
Q. So her position was not eliminated?
A. Correct.
Q. Do you know why it was not eliminated?
A. Because it was part-time.
Q. Did you have any role in that decision not to

(KATHY JIMINO)

eliminate her position and to reduce it to part-time?
A. I'm the county executive, so I would have a role in that decision.
Q. Was it your decision to arrange for her to be working part-time.
A. I don't recall.
Q. But you were the county executive, so it ultimately would have been your decision, would it not?
A. Yes.
Q. Do you know why her position was not eliminated?
A. I don't recall.
Q. Do you recall if Ms. Abbott asked for a raise in 2001?
A. Ms. Abbott did ask for a raise. I don't recall what year.
Q. Did she ask you directly as opposed to going through Mr. Jackson?
A. I believe that she had talked with Mr. Jackson before she spoke with me.
Q. What was the substance of her conversation with Mr. Jackson as she related it to you?
A. I don't recall.
Q. Did she tell you what Mr. Jackson's position would be about the raise?
A. I don't recall.

Q. What did you say to her when she asked for a raise?
A. That we would consider it but there were budget constraints.
Q. Did you talk to Mr. Jackson about it?
A. Yes.
Q. What was the substance of your conversation with Mr. Jackson?
A. I'm sure I relayed to him the fact that Louann had talked with me about it. I don't recall beyond that what we discussed.
Q. Do you recall if Ms. Abbott or Ms. Cunningham received any raises in the year 2001?
A. I don't recall.
Q. Do you recall if their requests for a raise was still pending at the time that they spoke to you about Mr. Jackson?
A. I don't recall.
Q. Do you recall what Ms. Abbott said to you about Mr. Jackson specifically?
A. I don't recall specifically.
Q. Do you recall generally what her concerns were about Mr. Jackson?
A. That he was not at work a lot, that he was not answering questions that the assessors were asking.

(KATHY JIMINO)

Q. What is Ms. Abbott's position?
A. I don't know.
Q. How about Ms. Cunningham?
A. I don't know.
Q. You don't know what her position was?
A. No.
Q. You just know that they both worked for the Bureau of Tax Services?
A. Yes.
Q. Do you know if they were in a position to know whether or not Mr. Jackson was not answering assessors' questions?
A. Yes, I believe so.
Q. How would they be in a position to know that?
A. When they answer the phone and take messages for Mr. Jackson, I believe they would know that he was getting phone calls from assessors.
Q. Do you believe they would know whether or not he responded to those assessors or not?
A. Yes, I do.
Q. How would they know that?
A. If the assessors were to call back.
Q. You also said that you had spoken to Charlie Hamill?
A. I said I believe it was Charlie Hamill.

Q. Do you remember what information Mr. Hamill may have transmitted to you?
A. No, I don't recall.
Q. Do you recall the circumstances under which he might have transmitted information to you?
A. I don't recall.
Q. Did you get information about Mr. Jackson from any other source besides these three people in the fall of 2001; the three people meaning Ms. Abbott, Ms. Cunningham and Mr. Hamill?
A. No.
Q. Did you have reservations about Mr. Jackson's reappointment based upon these three individuals?
A. Yes.
Q. Was there any other source of reservation besides the information you received from these three individuals.
A. My own observations.
Q. What were those observations?
A. That Mr. Jackson was not as enthusiastic about his position as he had been when I had seen him in positions previously. And that he was not as -- I'm searching for the right word -- he was not as interested, it seemed to me, in the job as I would have expected that he would be.

Q. What led you to believe that he was not as interested in the job as you would have expected him to be?
A. When we spoke, I didn't get a sense that there was any excitement about the prospect of continuing on in this position for another term. I didn't get the sense that there were new ideas that he wanted to implement. I didn't get the sense that he had a comfort level with what he was doing.
Q. How often did you speak to Mr. Jackson during this time?
A. I don't recall.
Q. More than once a week?
A. No, I wouldn't think so.
Q. More than once a month?
A. In some months, probably.
Q. You said he didn't seem as excited about the position as in previous times when you had seen him. When had you seen him when he was more excited than he appeared to be in the fall of 2001?
A. When I worked in data processing and Jeff was working in Tax Services, probably in the 1980s.
Q. So he wasn't as excited about the job as he was 20 years earlier?
A. Fifteen, 20 years earlier, um-hmm.

Q. Now, did you consult with Mr. Smith about whether or not you could delay Mr. Jackson's reappointment?
A. Yes, I did.
Q. How did you consult with Mr. Smith? Did you send him a memo, did you speak with him?
A. I don't recall whether it was memo or e-mail or by phone.
Q. Did you have any concerns about the work that Mr. Jackson was presently doing in 2001?
A. Only based on conversations with the people in his office, yes. Again, my concern was more the lack of enthusiasm.
Q. Did Mr. Jackson have some tasks that he needed to complete towards the end of the year 2001?
A. Yes.
Q. Would that have included the tax apportionment?
A. That would include tax bills. I'm not sure what you mean by tax apportionment.
Q. By tax apportionment, calculating the tax rates among various towns and equalizing them.
A. Yes.
Q. That's a fairly specialized job, isn't it?
A. I don't really know. I haven't --
Q. Does it require a lot of expertise?

A. I don't know the details.

Q. Did you need Mr. Jackson to finish that job?

A. Yes.

Q. Was there anyone else in the County who could have finished that job had he not been reappointed?

A. I don't know.

(Plaintiff Exhibit 19 was marked for identification.)

Q. Showing you what was marked as Exhibit 19, which is a clipping from the "Troy Record" of, I believe, December of 2001. Were you familiar with that article, do you remember seeing that?

A. Yes.

Q. It seems to imply that some unidentified source is quoted as being aware that a determination had been made not to reappoint Mr. Jackson. Do you have any knowledge as to where such information would have come from within Rensselaer County?

A. No, I don't.

Q. Now, according to the Response to Interrogatories, you had discussed the possible nonreappointment with Mr. Crist, had you not?

A. Um-hmm.

Q. I'm sorry, you have to say yes or no for the record.

A. Yes. Sorry.
Q. Can you tell us the substance of your conversation with Mr. Crist.
A. I told him that I had not made a decision in regard to the reappointment, so the legislature should not expect a resolution to that effect at this point in time.
Q. A resolution to what effect?
A. To the effect of Mr. Jackson's reappointment which they would have to confirm.
Q. What did Mr. Crist say to you in response?
A. I don't recall.
Q. Did he express any surprise that somebody as long-standing an employee as Mr. Jackson would not be reappointed?
A. I don't recall.
Q. Did you discuss the question of Mr. Jackson's reappointment with anybody else besides Mr. Crist?
A. Not that I recall.
Q. We're talking about Richard Crist?
A. Yes.
Q. What was Mr. Crist's position as of December 2001?
A. I don't know his exact title. He is the liaison between the county legislature majority and the county

executive and the media. I believe that's it.
Q. Is there anyone besides Mr. Crist who might have been the source of the information that was in the "Troy Record"?
A. I don't know.
Q. Now, had any other assessors complained about Mr. Jackson besides who you think may have been Mr. Hamill?
A. I don't recall.
Q. Do you recall any others who did complain?
A. No.
Q. Are you aware of any personal problems that Mr. Jackson had in 2001-2002?
A. I know that his mom was sick.
Q. Do you know what that meant in terms of his mom being sick? Do you know whether he had to visit her in the hospital on a regular basis?
A. Yes.
Q. Do you know how seriously she was sick?
A. No, I don't know how seriously. I know Mr. Jackson was upset that she was sick, so I assume it was serious.
Q. Did you consider the possibility that his being upset about his mom being sick might have had an effect on

his job performance?
A. Yes, I did.
Q. Did you consider that that might have been the explanation of why he was less excited about the job than he had been 15 years earlier?
A. Yes.
Q. Did you ever discuss Mr. Jackson's -- your words -- lack of excitement with him?
A. I don't recall.
Q. Did you ever ask him, Jeff, is there something wrong here because you don't seem as interested in the job as you used to be, or words to that effect?
A. I don't recall.
Q. Did you ever have any concerns about Mr. Jackson's apparent lack of enthusiasm for the job?
A. Yes.
Q. How did you express that, if at all?
MR. NIGRO: Objection to the form of the question.
A. How did I express them to Mr. Jackson?
Q. Well, did you express them in any way to Mr. Jackson?
A. I don't recall.
Q. Did you feel a need to do anything to communicate with Mr. Jackson before making a determination not to

reappoint him?
A. I communicated to him that that was still under consideration, that I had not made a decision.
Q. Did you communicate to him that you had any reservations about his reappointment?
A. I don't recall.
Q. Now, so I understand, as of November of 2001, you have reservations about Mr. Jackson's reappointment and you ultimately don't reappoint him, and this is an employee of -- a long-standing employee. And you don't recall whether you ever communicated any of those reservations to him between November of 2001 and March of 2002?
MR. NIGRO: I object to the form.
A. I don't recall.
Q. Do you recall any instance where you did communicate anything to Mr. Jackson?
A. I'm sure we had meetings between November and February, but I don't recall what was communicated. I'm sure we talked about tax bills at the end of the year, et cetera.
Q. Did Mr. Jackson have any reason to believe that his reappointment was -- that he might not be reappointed?
MR. NIGRO: Object to the form of the

question. If you can answer that, go ahead.
A. I can't answer for Mr. Jackson.
Q. Did you ever do anything, to your knowledge, that gave him any reason to believe he would not be reappointed?
MR. NIGRO: Objection to the form of the question.
A. I didn't reappoint him when his appointment expired.
Q. Did you do anything to give him any reason to believe that he would not be reappointed prior to your ultimate decision not to reappoint him?
MR. NIGRO: I object to the form.
A. I don't recall if we had a specific conversation. However, I did not reappoint him when his term expired.
Q. Okay. So I guess the answer is -- can you give me an example of anything that you may have done to give Mr. Jackson any reason to believe he might not be reappointed prior to your determination -- or prior to your not reappointing him?
MR. NIGRO: Objection to the form of the question.
A. Again, I cannot recall whether or not we had specific conversations. However, if I was in an appointed position, my term expired and I was not immediately

reappointed, I would believe that I would think that there was a concern about my reappointment.

Q. Had you told Mr. Jackson that you weren't reappointing him because you didn't want to make any appointments until after the election?

A. I don't recall if we had that conversation.

Q. Did you give Mr. Jackson any reason why he was not reappointed in November of 2001?

A. I can't recall.

Q. Did you do anything to suggest to Mr. Jackson that his job performance would need to change as a condition of his reappointment in November of 2001?

MR. NIGRO: Object to the form of the question.

A. I can't recall.

Q. Can you recall anything that you did to suggest that his performance may change?

MR. NIGRO: Object to the form of the question.

A. I really can't recall.

Q. At what point did you make a definite determination not to reappoint Mr. Jackson?

A. I would say it was late January, early February of 2002.

Q. After you made that determination, did you communicate that determination to anybody?
A. To Mr. Jackson, yes.
Q. When did you communicate that to Mr. Jackson.
A. I don't recall the exact date.
Q. Paragraph 115 of the complaint says that, "On March 1, 2002, Ms. Jimino advised Mr. Jackson that she had determined not to reappoint him." Do you recall if that's an accurate date?
A. I don't recall.
Q. Was there a period of time between when you made a determination not to reappoint Mr. Jackson and you communicated that determination to Mr. Jackson?
A. Yes.
Q. How long was that period of time?
A. I don't know.
Q. During that period of time, did you communicate your determination to anybody else?
A. I don't recall.
Q. Did there come a time when you had any communications with Frank Curtis?
A. Yes, I talked with Frank Curtis.
Q. And specifically in the first two months of 2002, did you have any discussions with Frank Curtis?

A. I don't recall when I spoke with Frank.
Q. Do you recall the substance of those conversations?
A. Yes. I asked Frank if he would be interested in the position of director of Real Property Taxes -- or Tax Services, excuse me.
Q. Did you ask him that before Mr. Jackson was not reappointed -- I'm sorry. Did you ask him that question before you had advised Mr. Jackson that he was not going to be reappointed?
A. I don't recall.
Q. What did Mr. Curtis say to you?
A. He said that it would be something he would be interested in.
Q. So you don't recall whether you communicated this to Mr. Curtis -- withdrawn.
Do you recall whether you communicated with Mr. Curtis prior to the time when Mr. Jackson was going to be terminated from his position --
MR. NIGRO: I object to the form.
Q. -- was terminated from his position?
MR. NIGRO: Objection to the form of the question.
A. I don't recall.
Q. Do you recall if you asked Mr. Curtis to keep it

secret when you asked him about his interest?
A. I don't recall.
Q. What did Mr. Curtis say to you?
A. That he would be interested in the position.
Q. What did you say to him?
A. I don't recall.
Q. Did Mr. Curtis say anything to you about Mr. Jackson when you spoke to him?
A. I don't recall.
Q. Did you speak to Mr. Curtis more than once about his possible appointment?
A. I don't recall.
Q. Did the issue of Local Law 6 come up in your discussions with Mr. Curtis?
A. I don't recall.
Q. Do you recall ever discussing the question of Local Law 6 with Mr. Curtis?
A. I don't recall, no.
Q. Was Mr. Curtis asked to sign any documents pertaining to his position on Local Law 6?
A. No.
Q. Or with respect to the tax mapping issue?
A. No.
Q. No, he was not?

A. No, he was not.
Q. Do you recall any discussion with Mr. Curtis about the question of the placement of the tax mapping technicians in the Bureau of Research & Information Services rather than the Bureau of Tax Services?
A. I don't recall.
Q. Do you recall any other instance of an employee of long-standing with the County being not reappointed and not being provided alternate employment with the County?
A. The -- I'm not sure what you mean by long-standing. The other instance where we did not appoint someone was the Director of Personnel, Christine Mahoney.
Q. Her position was abolished when you went to a Civil Service Commission?
A. Yes.
Q. Did Christine Mahoney find other employment within the County?
A. No.
Q. Christine Mahoney had been involved in some controversy with the former county executive, Henry Zwack?
A. Yes.
Q. What was the nature of that controversy?

MR. NIGRO: Objection. If you want to --

MR. HENNER: I'm not going to --

MR. NIGRO: -- in any way to this lawsuit, I'm not going to let her answer those questions.

MR. HENNER: I'm not going into it in depth. I just want her to say her basic understanding of it. That's a proper question. Christine Mahoney on that issue is not on trial, but certainly I can explore, I can at least ask her to identify the issue. It's certainly something that can result in the discovery of relevant evidence. As I said, I just --

MR. NIGRO: Again, I disagree but I'll allow an answer to this question only, just for the sake of moving the deposition forward. That's going to be it.

MR. HENNER: Well, I hope it doesn't go any further. We're almost done. I really hope we don't need to get the magistrate involved, but let's see what the answer to the question is and we'll see where it goes beyond that.

THE WITNESS: Would you repeat the question.

BY MR. HENNER:

Q. What was your understanding of the controversy between

Christine Mahoney and Henry Zwack?
A. There was a disagreement about how she administered the Civil Service Law for the County.
Q. Okay. When was she not reappointed?
A. December 2002 was when the County went from a personnel officer form of civil service administration to a Civil Service Commission form of administration.
Q. So you're the one who made the determination --
A. As to who to appoint.
Q. -- as to who to appoint?
A. Yes.
Q. With the exception of Christine Mahoney, can you think of another example of an employee with more than 15 years experience with the County who was either not reappointed to a position which required an appointment or was terminated from an exempt or noncivil service appointment and not offered other alternative employment with the County besides Ms. Mahoney and Mr. Jackson?
MR. NIGRO: Objection to the form of the question. Go ahead.
A. No.
Q. Can you think of another employee besides Mr. Jackson and Ms. Mahoney in the entire time that you've known

anything about Rensselaer County, your entire experience, going back to whenever, who was let go after more than 15 years of service as a result of a nonreappointment or as the result of a -- who was terminated as an exempt employee?

MR. NIGRO: Objection to the form of the question. Go ahead.

A. I know of a couple of people who were let go, but I don't know if they specifically fit the criteria that you're discussing in terms of years of service or status, et cetera. Exempt status.

Q. Who are you referring to?

A. I know that Paul Plant, who had worked for the County Health Department, was let go some years ago as well. It seemed to me that the entire Planning Department was eliminated under Bill Murphy.

Q. As the county executive, did you feel that you had any obligation -- moral, personal, ethical -- to find other employment for an employee of Mr. Jackson's length of tenure?

MR. NIGRO: Objection to the form of the question.

A. No, I didn't feel I had an obligation.

Q. Did you have any reason to bring Mr. Jackson up on any charges?

A. No.

Q. Did you have any specific complaints about Mr. Jackson's employment? You said why you had reservations, but my question is specifically: Did you have any complaints about the way in which he performed his job duties?

MR. NIGRO: Personally or...

MR. HENNER: No, professional. I'll break the question down.

Q. Were there any ways in which Mr. Jackson was not meeting the expectations of his job responsibilities as of March of 2002?

MR. NIGRO: Other than what's already been testified to?

MR. HENNER: Well, I don't believe -- she's testified that she had reservations. She's testified that she heard complaints. My question to her, did she have any -- I'm going to rephrase the question. Make life easier.

Q. Were there any ways in which Mr. Jackson was not adequately performing the duties of his position as of March 2002?

MR. NIGRO: Again, I have to -- are we going to rehash all the things that we discussed? Obviously, there were complaints from people in his office about him not performing functions adequately and she had concerns based on that. And there's been a bunch of testimony --

MR. HENNER: She said that she had concerns about it. That's not the question that I asked.

Would you reread the question.

(The previous question was read back by the Court Reporter.)

MR. NIGRO: I think that's -- I don't see how you distinguish that question from the concerns that she had.

MR. HENNER: Let her answer the question.

MR. NIGRO: I'm objecting to the form of the question.

MR. HENNER: Your objection is noted. She can answer.

MR. NIGRO: Okay. Unfortunately, we've got to go back through that.

MR. HENNER: She can answer. She doesn't need your help. Let her answer the question.

THE WITNESS: The concerns were that Mr. Jackson was unavailable at times, unable to answer questions at other times, and that he was unenthusiastic about the position.

BY MR. HENNER:

Q. Okay. In your mind, does somebody being unenthusiastic about the position an indication that they're not performing the job adequately?

MR. NIGRO: I object to the form of the question. You can answer.

A. As a department head who is to be appointed to a six-year term, yes.

Q. And did you accept the reports that you had heard from Ms. Abbott, Ms. Cunningham and Mr. Hamill as an established fact?

MR. NIGRO: Object to the form of the question. Go ahead.

Q. Did you accept that those concerns were what was actually going on? In other words, you heard those concerns; correct?

A. Yes.

Q. Did you believe them to be valid concerns?

A. Yes.

Q. Did you ever give Mr. Jackson an opportunity to respond to those concerns?

A. I don't recall.

Q. Again, do you recall any specific instance where you did give him an opportunity to respond to them?
A. I don't recall.
Q. Now, did you make any efforts to find other employment for Mr. Jackson?
A. Yes, I did.
Q. What were those efforts?
A. I reached out to Mr. Tom Griffin, who was the Director of the State Office of Real Property Services.
Q. What did you do? You say reached out to him. Could you be more specific?
A. I asked him if there were any positions available, if he would consider Mr. Jackson for those positions. He said -- I asked him if, you know, Mr. Jackson could reach out to him. He said yes. I then let Jeff know that he should reach out to Mr. Griffin about opportunities at the state level.
Q. Did you know if there was a state hiring freeze in March of 2002?
A. I don't recall.
Q. Did you make any efforts to find out if there was any way of finding positions for -- if there was no state hiring freeze, there also would have been civil service restrictions on state hiring, would there not?

A. For some positions, yes. But the state also has exempt positions, as does the county.
Q. Did you consult with Mr. Bruno about the possibility of any alternative position for Mr. Jackson?
A. I don't believe I spoke with Mr. Bruno. I did speak with someone in Senate Finance and alerted them to the fact that Mr. Jackson had abilities in the area of real property, if there was something open, to consider him. I also ran across a job posting either on the ORPS website or the NYSAC, New York State Association of Counties. That information we passed along to Mr. Jackson.
Q. What was your understanding of the state of the job market for employees in positions like Mr. Jackson in early 2002?
MR. NIGRO: Objection to the form of the question.
A. I don't know.
Q. Did you think it would be relatively easy for Mr. Jackson to find other employment in March of 2002?
MR. NIGRO: I object to the form.
A. I don't know.
Q. Did you take any other action besides to help him find a job besides what you just described?

A. Not that I can recall.

MR. HENNER: Give me a moment. We may be done.

(A break was taken in the proceedings.)

MR. HENNER: Nothing further. Thank you.

(Whereupon, the examination of KATHY JIMINO in the above-entitled matter was concluded at 3:43 p.m.)

* * * * *

EXHIBIT INDEX

PLAINTIFF		IDN
18	Exhibit EE of the Complaint	29
19	Clipping from "Troy Record," 12/2001	45

STATE OF NEW YORK)
ss.
COUNTY OF)

I, KATHY JIMINO, have read the foregoing record of my testimony taken at the time and place noted in the heading hereof, and I do hereby acknowledge it to be a true and accurate transcript of same.

____

KATHY JIMINO

DATED: __________________

Sworn to before me this ________

day of ________________, 20_____

____

Notary Public

(KATHY JIMINO)

C E R T I F I C A T I O N

I, ELLEN J. FRANKOVITCH, Shorthand Reporter and Notary Public in and for the State of New York, do hereby CERTIFY that the foregoing record taken by me at the date and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

ELLEN J. FRANKOVITCH

ERRATA SHEET

I, Kathleen M. Jimino, have read the transcript of my testimony and would like the following changes:
(Print Name)

PAGE	LINE	CHANGE FROM:	CHANGE TO:
3	24	programor	programmer
8	23	Griffin	Gruenberg
8	22	Grunberg	Gruenberg
9	2	Grunberg	Gruenberg

Subscribed and sworn to before me this 3rd day of August, ~~199~~ 2004.

Carrie A. Lyons
Notary Public

CARRIE A. LYONS
Notary Public, State of New York
No. 01LY5067980
Qualified in Rensselaer County
Commission Expires October 2006

Kathleen M. Jimino
Signature